


**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

FILED

NOV 12 2021

JOHN P. JOHNSON,
Plaintiff

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

v.

Case No. 5:21-cv-00897

RAUSCH STURM, LLP,
RAYMOND J. RAUSCH,
WILLIAM C. STURM,
SCOTT M. ISRAEL,
GREGORY W. ENERSON,
ROBERT HORNIK,
ROBERTO J. JARAMILLO,
COLIN P. BROGAN,
DISCOVER BANK,
Defendants

Judge Jason K Pulliam

Trial By Jury Demanded

**PLAINTIFF'S MOTION IN OPPOSITION TO DEFENDANT'S MOTION
TO STAY OR ABATE**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiff, John P. Johnson, hereby responds Defendants' Motion to Stay or Abate.

1. Count five of Plaintiff's First Amended Complaint asserts a claim under the Texas Deceptive Trade Practices Act Consumer Practices Act, Tex. Bus. & Com. Code Ann. § 17.41.
3. Counsel for the Defense asserts "Here, Plaintiff has forced the filing of this plea as he has failed to provide the requisite notice". Counsel for the Defense

then assert, “therefore seek their reasonable fees incurred in connection with the filing and prosecution of this motion”.

4. Plaintiff was opposed to the Motion to Stay or Abate. However, Plaintiff was not then and is not now opposed to an alternate solution. Attorney Manuel Newburger gave notice of his intent to file the Motion one day prior to the filing, and although that is not normally a problem, in this case, the Plaintiff who is Pro Se, needed more time to rationalize a solution that would not delay or add cost to this litigation.

Wherefore, Plaintiff prays that this Honorable Court allow him to Amend his complaint to avoid costs and delay. Plaintiff also prays that Counsels’ demand for reasonable fees be denied until Plaintiff has had the opportunity to remedy.


CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Plaintiff's Motion in Opposition to Defendants' to Motion to Stay or Abate was served on the persons on the Service List below via email and USPS First Class November 12, 2021

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 November 17, 2021